

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., July 6, 2015

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Transportation: (June 29, 2015) is proposing to amend a Speed Limits rule in Campbell County on Highway 10 in Pollock; amend a Speed Limits rule in Jackson County on Highway 44 in Interior and south of the Badlands National Park boundary; and adopt Movement of Oversize or Overweight Vehicles rules to create an extended period emergency declaration permit and an extended period emergency declaration fleet permit. The general authority for these rules, as cited by the department, is SDCL §§ 32-22-42 and 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on July 23, 2015, at 9:30 a.m. CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by July 22, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Department of Agriculture: Division of Ag Development: (June 29, 2015) intends to adopt rules to establish a Water Drainage Mediation program. The general authority for these rules, as cited by the department, is SDCL § 46A-11A-1.

A public hearing will be held at Matthews Training Center, 1st Floor, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on July 30, 2015, at 1:00 p.m. CT. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Mediation Program, Foss Building, 523 East Capitol, Pierre, South Dakota 57501 or by emailing agmail@state.sd.us. Material sent by mail must reach the Department by August 10, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-5436 at least 48 hours before the hearing.

Department of Revenue: South Dakota Lottery Commission: (June 30, 2015) intends to amend a rule to allow a change to the Powerball game matrix and include the 10X multiplier for Power Play in certain defined instances. The general authority for this rule, as cited by the commission, is SDCL § 42-7A-21.

A public hearing will be held at View 34, Banquet Room, 4251 East Hwy. 34, Pierre, South Dakota, on July 30, 2015, at 10:15 a.m. Copies of the proposed rule may be obtained from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Written comments must be received by July 29, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4701 at least 48 hours before the hearing.

Department of Health: Division of Health Systems Development and Regulation:

(June 30, 2015) intends to amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds. The general authority for these rules, as cited by the department, is SDCL §§ 34-1-17, 34-12-7, 34-12-13, 34-12-29, 34-12-35.8, 34-21-4.1, 34-21-15, and 34-22-9.

A public hearing will be held at the Matthews Training Center, Joe Foss Building 523 East Capitol Avenue, Pierre, South Dakota, on July 27, 2015, at 1:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website at <http://doh.sd.gov/News> or <http://rules.sd.gov>. Material sent by mail must reach the department by August 6, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 at least 48 hours before the hearing.

Department of Public Safety: (July 1, 2015) intends to amend rules to increase the amount of time allowed to appeal an administrative driver license action, to repeal unnecessary driver license rules, update commercial driver license language to conform to federal standards and 2015 legislation, update the prorated fees for licenses or identification cards issued to those under 21, and update the adoption of Commercial Vehicle Safety Alliance standards. The general authority for these rules, as cited by the department, is SDCL §§ 32-12-3.2, 32-12-42.1, 32-12-49, 32-12-49.4, 32-12A-48, 32-23-11, and 49-28A-2.

A public hearing will be held in the First Floor Conference Room of the Sutherland Building, 118 West Capitol Ave., Pierre, South Dakota, on July 31, 2015, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Public Safety, 118 West Capitol Ave., Pierre, South Dakota 57501. Copies of the proposed rules are also available online at <https://rules.sd.gov>. Material sent by mail must reach the Department of Public Safety by August 10, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3178 at least 48 hours before the hearing.

Department of Education: Board of

Education: (July 1, 2015) intends to amend a Career and Technical education rule to increase the postsecondary technical institute per student allocation to the level set for fiscal year 2016 by the Legislature; repeal an Application for Certificate rule regarding revoking, suspending, or voiding a certificate; amend Certification rules to clarify the test required to obtain a 7-12 mathematics endorsement and create a 7-12 intermediate mathematics endorsement; amend a Certificate Denial and Discipline Procedures rule to detail the procedures for the denial of an application for a certificate, the duration of an order imposing discipline, the procedures for reinstatement, and the public or private nature of disciplinary records; and repeal the tuition equalization grant program, Robert C. Byrd honors scholarship program, Christa McAuliffe fellowship program, school term length grades 1-3, and teacher compensation program rules. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-39-37 and 13-42-3.

A public hearing will be held at Western Dakota Technical Institute, Dakota Hall Lecture Room, 800 Mickelson Drive, Rapid City, South Dakota, on July 27, 2015, at 10:00 a.m. MT. Copies of the proposed rules may be obtained

without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above or at this website: <https://rules.sd.gov/default.aspx> and must be received by July 24, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3553 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

7-15-2015	Labor and Regulation: Division of Banking: SD Public Deposit Protection Commission Amend rules to modify the information required to be reported by public depositories to include the amount and number of public demand and time deposits over the amount of deposit insurance provided by the FDIC rather than the total amount and number of public demand and time deposits, remove trust companies from the list of entities eligible to receive public deposits, correct typographical errors, make certain form and style edits, and specify the information that must be reported to the commission for any certificate of deposit pledged to secure public deposits, eliminate the requirement that liability reports to the Public Deposit Protection Commission be sworn before a notary, delete an outdated cross-reference, add certificates of deposit to the existing process for pledging eligible collateral, change the value of surety bonds pledged as security for public deposits from 110% of the value of the public deposits to be secured to 100%, change the required value of eligible collateral pledged as security for public deposits from 110% of the value of the public deposits to be secured to 100%, delete an outdated statutory reference, and allow certificates of deposits to be pledged as eligible collateral by public depositories; 41 SDR 213, June 8, 2015.
7-23-2015	Transportation Amend a Speed Limits rule in Campbell County on Highway 10 in Pollock; amend a Speed Limits rule in Jackson County on Highway 44 in Interior and south of the Badlands National Park boundary; and adopt Movement of Oversize or Overweight Vehicles rules to create an extended period emergency declaration permit and an extended period emergency declaration fleet permit; 42 SDR 1, July 6, 2015.
7-27-2015	Education: Board of Education Amend a Career and Technical education rule to increase the postsecondary technical institute per student allocation to the level set for fiscal year 2016 by the Legislature; repeal an Application for Certificate rule regarding revoking, suspending, or voiding a certificate; amend Certification rules to clarify the test required to obtain a 7-12 mathematics endorsement and create a 7-12 intermediate mathematics endorsement; amend a Certificate Denial and Discipline Procedures rule to detail the procedures for the denial of an application for a certificate, the duration of an order imposing discipline, the

	procedures for reinstatement, and the public or private nature of disciplinary records; and repeal the tuition equalization grant program, Robert C. Byrd honors scholarship program, Christa McAuliffe fellowship program, school term length grades 1-3, and teacher compensation program rules; 42 SDR 2, July 6, 2015.
7-27-2015	Health: Division of Health Systems Development and Regulation Amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds; 42 SDR 2, July 6, 2015.
7-30-2015	Agriculture: Division of Ag Development Adopt rules to establish a Water Drainage Mediation program; 42 SDR 1, July 6, 2015.
7-30-2015	Revenue: South Dakota Lottery Commission Amend a rule to allow a change to the Powerball game matrix and include the 10X multiplier for Power Play in certain defined instances; 42 SDR 1, July 6, 2015.
7-31-2015	Public Safety Amend rules to increase the amount of time allowed to appeal an administrative driver license action, to repeal unnecessary driver license rules, update commercial driver license language to conform to federal standards and 2015 legislation, update the prorated fees for licenses or identification cards issued to those under 21, and update the adoption of Commercial Vehicle Safety Alliance standards; 42 SDR 2, July 6, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, July 20, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: August 17, September 21, November 9, and December 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.